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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA,  
12  
13 v. Plaintiff,  
14 JOSE G. CEBREROS,  
15 Defendant.


CASE NO. 01cr2788 JM  
CIVIL NO. 17cv2310 JM

ORDER DISMISSING MOTION  
BROUGHT PURSUANT TO 28  
U.S.C. §2255 FOR FAILURE  
TO OBTAIN CERTIFICATION  
FROM THE NINTH CIRCUIT

16 On November 14, 2017, Defendant Jose G. Cebreros filed a second Motion to  
17 Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. §2255 (“Motion”).<sup>1</sup> As  
18 a prerequisite to bringing a second Motion, “[a] second or successive motion must be  
19 certified as provided in section 2244 by a panel of the appropriate court of appeal. . .”  
20 28 U.S.C. §2255(h). Accordingly, the court dismisses the Motion for failure to obtain  
21 the required certification from the Ninth Circuit. The Clerk of Court is instructed to  
22 close the file.

23 **IT IS SO ORDERED.**

24 DATED: November 21, 2017

25   
26 Hon. Jeffrey T. Miller  
United States District Judge  
27

28 <sup>1</sup> On February 23, 2011, the court denied Defendant’s first Motion to Vacate, Set Aside, or  
Correct Sentence Pursuant to 28 U.S.C. §2255. (ECF 69).

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